

REMARKS

In response to the Office Action dated October 1, 2009, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-4, 6-15, and 18-38 are pending in this application.

Objection to the Specification

The Office objected to the specification. The Assignee previously presented an amendment that inserted new paragraphs [0044A] though [0044W]. The Office has now denied entry of these new paragraphs, saying the as-filed application did not convey an intent to incorporate the new paragraphs.

The Office is, very respectfully, mistaken. Paragraph [0001] lists related applications, and paragraph [0001] is reproduced below:

[0001] This application is related to co-pending application serial numbers (Attorney docket # 36968/265390 (BS1371), filed herewith), entitled, "Method and System to Perform Content Targeting," (Attorney Docket No. 36968/265386 (BS01341), filed herewith), entitled "System and Method for Utilizing Television Viewing Patterns," (Attorney Docket No. 36968/265389 (BS01378), filed herewith), entitled "System and Method for Developing Tailored Television Content Related Packages," (Attorney Docket No. 36968/265387 (BS01342), filed herewith), entitled "System and Method for Identifying Desirable Subscribers," (Attorney Docket No. 36968/265393 (BS01377), filed herewith), entitled "Advertising and Content Management Systems and Methods," (Attorney docket # BS-00-138, filed May 22, 2001), entitled "Method and Apparatus for Providing Incentives to Viewers to Watch Commercial Advertisements," **and U.S. Application Serial No. 09/496825, filed February 1, 2000, which are hereby incorporated by reference.**

Paragraph [0001] expressly mentions U.S. Application 09/496,825. New paragraphs [0044A] though [0044W] are copied from U.S. Application 09/496,825 to Grauch, *et al.*, which is incorporated by reference. The Office is thus respectfully requested to enter the new paragraphs [0044A] though [0044W].

Rejection of Claims under § 112

The Office rejected claims 1 and 38 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. The Office, in particular, asserts that the as-filed application fails to support “clickstream data.”

The Assignee, very respectfully, disagrees. The Assignee strongly asserts that the written description requirement is completely satisfied. New paragraphs [0044A] through [0044W], for example, fully explain how clickstream data is received and used. The Assignee, then, respectfully submits that the pending claims fully comply with the written description requirement of § 112, first paragraph.

Rejection of Claims under § 103 (a)

The Office rejected claims 1-4, 6-15, and 18-38 under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2002/0049631 to Williams in view of WO 99/45702 to Knudsen.

These claims, though, are not obvious over *Williams* with *Knudsen*. These claims already recite, or incorporate, many features that are not disclosed or suggested by the combined teaching of *Williams* with *Knudsen*. Independent claim 1, for example, recites “*generat[ing] event time data that describes the clickstream data and the content information over time*” and “*classifying the user ... in the user classification when the data describing the event timeline data relates to the at least one user’s purchase records*” (emphasis added). Independent claims 18 and 38 recite similar features.

These features are not obvious over *Williams* and *Knudsen*. The Office asserts that *Williams* and *Knudsen* teaches these features, and the Office specifically cites to portions of *Knudsen*. The Office, though, is mistaken. The Office has, very respectfully, misinterpreted

Knudsen. When *Knudsen* is correctly interpreted, the combined teaching of *Williams* and *Knudsen* makes no such teaching.

Williams discusses an incentive system that associates incentives to purchased items. See, e.g., U.S. Patent Application Publication 2002/0049631 to *Williams* at paragraphs [0012], [0013], and [0033]. *Williams* discusses a set top box that can send “an acceptance of an offer” in “instructions” to an advertisement. U.S. Patent Application Publication 2002/0049631 to *Williams* at paragraphs [0035] - [0037]. The Office concedes that *Williams* fails to teach or suggest “*generat[ing] event time data that describes the clickstream data and the content information over time.*”

So the Office cites to *Knudsen*’s pages 29-30. The Office specifically states that *Knudsen*’s pages 29-30 teach classifying the user “based on channel watched, the volume watched, and the time of day and days of the week and days of the month watched.” See Examiner Alvarez, Office Action mailed October 1, 2009, at page 4, second paragraph. Examiner Alvarez also asserts that “if a user watches [a] sports channel, the user is classified as being athletic and therefore will receive advertisements related to athletic shoes.” See *id*.

The Assignee finds no basis for these assertions. *Knudsen*’s page 29 describes how tags may be added to advertising and programming. An “advertisement for athletic footwear,” for example, may include a “channel tag” that includes “channel identifier information” for sports channels. See WO 99/45702 to *Knudsen* at page 29, lines 18-22. “Broadcast time tags” identify broadcast times, such that “advertisements for breakfast foods” are associated with “morning time slots” and “dinner foods” are associated with “evening” hours. *Knudsen*, at page 29, lines 22-28. “Category tags” relate to “genres or themes,” such that the “advertisement for athletic footwear” may be associated with “sports.” Nowhere, though, does *Knudsen*’s page 29 teach anything related to “*generat[ing] event time data that describes the clickstream data and the content information over time*” and “*classifying the user ... in the user classification when the data describing the event timeline data relates to the at least one user’s purchase records*” (emphasis added). Any other conclusion is unreasonable.

Knudsen's page 30 is equally silent. *Knudsen's* page 30 explains how “program tags” may associate an advertisement to a program, such that the “advertisement for athletic footwear” may be associated with sporting programs. *Knudsen's* page 30 continues explaining how programs may also have similar tags. Still, though, does *Knudsen's* page 30 is entirely silent to “*generat[ing] event time data that describes the clickstream data and the content information over time*” and “*classifying the user ... in the user classification when the data describing the event timeline relates to the at least one user's purchase records*” (emphasis added). Any other conclusion is unreasonable.

Williams with *Knudsen*, then, does not teach what the Office asserts. The combined teaching of *Williams* with *Knudsen* is entirely silent to “*generat[ing] event time data that describes the clickstream data and the content information over time*” and “*classifying the user ... in the user classification when the data describing the event timeline relates to the at least one user's purchase records*” (emphasis added). The Office has, very respectfully, misinterpreted *Knudsen*. When *Knudsen* is correctly interpreted, the combined teaching of *Williams* and *Knudsen* makes no such teaching.

Claims 1-4, 6-15, and 18-38, then, are not obvious over *Williams* with *Knudsen*. The independent claims recite many features that are not disclosed or suggested by *Williams* with *Knudsen*. Their respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-6, 6-15, and 18-38 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scottt@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "S. P. Zimmerman", with a stylized flourish at the end.

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